



Treasury Board of Canada
Secrétariat

Secrétariat du Conseil du Trésor
du Canada

2007-08 Annual Report on the *Access to Information Act* and the *Privacy Act*



Canada

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This document is also available in alternative formats on request.

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1. Report on the *Access to Information Act*

Introduction

The *Access to Information Act* gives Canadian citizens as well as people and corporations present in Canada the right to have access to federal government records that are not of a personal nature. The Act complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request.

Overview of the Treasury Board and Its Secretariat

The Treasury Board is a Cabinet committee of the Queen's Privy Council for Canada. It was established in 1867 and given statutory powers in 1869. The President of the Treasury Board heads this committee.

As the administrative arm of the Treasury Board, the Treasury Board of Canada Secretariat (the Secretariat) has a dual mandate: to support the Treasury Board as a committee of ministers and to fulfill the statutory responsibilities of a central government agency. It is headed by a Secretary, who reports to the President of the Treasury Board.

The Secretariat is tasked with providing advice and support to Treasury Board ministers in their role of ensuring value-for-money and providing oversight of the financial management functions in departments and agencies.

The Secretariat makes recommendations and provides advice to the Treasury Board on policies, directives, regulations, and program expenditure proposals with respect to the management of the government's resources. Its responsibilities for the general management of the government affects initiatives, issues, and activities that cut across all policy sectors managed by federal departments and organizational entities (as reported in the Main Estimates). The Secretariat is also responsible for the comptrollership function of government.

Under the broad authority of sections 5 to 13 of the *Financial Administration Act*, the Secretariat supports the Treasury Board in its role as the general manager and employer of the public service.

Administration

The Access to Information and Privacy (ATIP) Office is located within Ministerial Services of the Strategic Communications and Ministerial Affairs Sector. The ATIP Office currently has eight employees to fulfill the Secretariat's obligations under both legislations.

The ATIP Coordinator and the Senior Director, Ministerial Services, Strategic Communications and Ministerial Affairs, have delegated authority to oversee the administration of the *Access to*

Information Act and the *Privacy Act* within the Secretariat and to ensure compliance with the legislation. Copies of the approved Secretariat Delegation Orders can be found at Appendix C.

Education and Training

During 2007–08, the ATIP Office continued to conduct training sessions for employees on a regular basis. Thirteen sessions provided over 148 participants with an overview of the acts and a better understanding of their obligations and the process within the Secretariat. Upon request, customized sessions were also given to divisional teams or individual branches or sectors. The ATIP Office also hosted a kiosk at the Administrative Services Group “Boot Camp” that also proved beneficial to participants.

Information Holdings

A description of the classes of institutional records held by the Secretariat can be found in the following Info Source publications for 2007–08: *Sources of Federal Government Information* and *Sources of Federal Employee Information*. The Secretariat does not have any exempt banks.

Info Source can be accessed through public and academic libraries and constituency offices of federal members of Parliament as well as on the Internet at <http://www.infosource.gc.ca>.

Reading Room

A reading room is available for individuals wanting to review Secretariat publications, call-ups for temporary help services, and other public materials. The room is situated in the departmental library and individuals can contact library personnel for use of the facility. The Secretariat library is located at:

L'Esplanade Laurier, East Tower, 11th Floor
140 O'Connor Street
Ottawa ON K1A 0R5
Telephone: 613-996-5491

Requests Under the *Access to Information Act*

During the reporting period from April 1, 2007, to March 31, 2008, the Secretariat received a total of 323 new requests under the *Access to Information Act*. This represents a decrease of 75 requests (–18 per cent) over last year, in which a total of 398 requests were received. A total of 45 requests were carried forward from 2006–07.

Of the 323 new requests, 67 (21 per cent) were either transferred or redirected to other federal institutions or could not be processed. A total of 256 requests were for Secretariat records.

Media made up the largest access client group of the Secretariat. Of the 323 requests received during the 2007–08 reporting period, 110 (34 per cent) came from this group.

The substance of the requests covered the entire range of matters issuing from the Treasury Board's role as the government's general manager and the employer of the federal public service. Requests continued to be made for information relating to the *Federal Accountability Act* and changes to the *Access to Information Act*, information related to the \$5 million in administrative savings by Status of Women Canada, climate change, pension plan issues, and the Secretariat's involvement with the Ottawa light rail project. As well, information was requested on general management policies and directives pertaining to such matters as contracting, travel, classification standards, and employee benefits, and other requests dealt with transition binders for the new President and lists of briefing notes to the President.

There was an increase in the number of pages reviewed and released over last year. Responding to formal access to information requests involved the page-by-page review of more than 47,750 pages, over 39,074 of which were recommended for release. A total of 228 requestors wanted copies of the information requested, while four chose to examine the information, select specific copies, or both. Requestors now have the option of receiving information on CD-ROM at no extra charge, thereby eliminating the costs for photocopies.

Other Requests

During this same period, the Secretariat received 179 *Access to Information Act* consultation requests from other departments involving Secretariat records or issues, a decrease of 42 such requests (–19 per cent) over last year.

The ATIP Office also processed two informal requests (not subject to the Act) in support of the Secretariat's broader objective of providing Canadians with relevant information on an informal and timely basis. This number does not include numerous emails or telephone calls from potential applicants who were redirected to informal routes in order to obtain the information they sought.

The ATIP Office moreover acted as a resource for Secretariat officials and offered advice and guidance on the provisions of the legislation. The ATIP Office was consulted on issues relating to a range of matters, from polls, surveys, proactive disclosures on travel and hospitality, Round IV Management Accountability Framework assessments, information management issues, security of information, and draft policies, to the review of audits to be posted on the Internet.

Disposition of Completed Requests

In 2007–08, 329 requests were completed. The disposition of the completed requests was as follows:

- ▶ 20 were fully disclosed (6 per cent);
- ▶ 212 were partially disclosed (64 per cent);

- ▶ 1 was exempted in entirety (1 per cent);
- ▶ 11 were excluded in entirety (3 per cent);
- ▶ 26 were transferred to another institution (8 per cent);
- ▶ 16 were abandoned by applicants (5 per cent);
- ▶ 41 could not be processed (12 per cent); and
- ▶ 2 were treated informally (1 per cent).

Completion Time and Extensions

The 329 requests completed in 2007–08 were processed in the following time frames:

- ▶ 207 within 30 or fewer days (63 per cent);
- ▶ 45 within 31 to 60 days (14 per cent);
- ▶ 37 within 61 to 120 days (11 per cent); and
- ▶ 40 in 121 or more days (12 per cent).

Of the 329 requests, 316 (96 per cent) were completed within allowable time limits. This represents a slight decrease in the Secretariat's overall performance in this area over last year, when the response rate was assessed at 98 per cent. Several factors have contributed to the continued successful performance of the Secretariat's on-time response rate over the past couple of fiscal years, including the completion of staffing actions, weekly performance statistical reports at the sector or branch level, improved case file management, and information sessions with Secretariat officials and branch contacts.

In 91 instances, the Secretariat found it necessary to seek an extension to the prescribed time limit in order to consult with other government institutions or third parties.

Exemptions Invoked

The Secretariat invoked exemptions under the Act a total of 460 times, as follows:

- ▶ 16 times under section 13, exempting records obtained in confidence from other levels of government;
- ▶ 10 times under section 14, exempting records injurious to federal-provincial affairs;
- ▶ 4 times under section 15, exempting records expected to be injurious to the conduct of international affairs and the defence of Canada;
- ▶ 31 times under section 16, exempting records containing law enforcement and investigation information;
- ▶ 11 times under section 18, exempting records expected to prejudice the economic interests of Canada;
- ▶ 168 times under section 19, exempting records containing personal information;

- ▶ 60 times under section 20, exempting records containing third-party business information;
- ▶ 121 times under section 21, exempting records containing information relating to the internal decision-making processes of government;
- ▶ 13 times under section 22, exempting records containing audit and test procedures;
- ▶ 25 times under section 23, exempting records related to solicitor-client privilege; and
- ▶ 1 time under section 26, exempting records to be published.

Exclusions Cited

Exclusions were invoked a total of 108 times under section 69 for confidences of the Queen's Privy Council for Canada. The Secretariat's responsibilities include providing administrative support to the Treasury Board, a Cabinet committee. The Secretariat consequently controls a large number of documents classified as Cabinet confidences.

Complaints, Investigations, and Federal Court Cases

Clients of the Secretariat filed 9 new complaints with the Information Commissioner in 2007–08, a decrease of 5 complaints over 2006–07, in which a total of 14 complaints were received.

The reasons for the complaints were as follows:

- ▶ 5 related to time limits in processing or time extensions taken;
- ▶ 3 concerned the exemption or exclusion of information; and
- ▶ 1 concerned the mishandling of a request.

During this fiscal year, 11 complaint investigations were completed and the conclusions were as follows:

- ▶ 7 complaints were resolved; and
- ▶ 4 complaints were determined to be not substantiated.

A total of 14 complaints have been carried forward to 2008–09.

There were no new court cases for 2007–08.

Fees

During the reporting period, total fees collected were \$740 in application fees and \$147.75 for reproduction, searching, and preparation costs.

Costs

During 2007–08, the ATIP Office incurred an estimated \$442,310 in salary costs and \$39,138 in administrative costs to administer the *Access to Information Act*.

These costs do not include the resources expended by the program areas of the Secretariat to meet the requirements of the acts.

Statistical Report on the *Access to Information Act*

This report can be found at Appendix A.

2. Report on the *Privacy Act*

Introduction

In its day-to-day operations, federal government departments and agencies collect personal information from almost all Canadians. The *Privacy Act* gives Canadian citizens and people present in Canada the right to have access to information about them that is held by the federal government. It also protects against unauthorized disclosure of that personal information. In addition, it strictly controls how the government will collect, use, store, disclose, and dispose of any personal information.

Overview of the Treasury Board and Its Secretariat

The Treasury Board is a Cabinet committee of the Queen's Privy Council for Canada. It was established in 1867 and given statutory powers in 1869. The President of the Treasury Board heads this committee.

As the administrative arm of the Treasury Board, the Treasury Board of Canada Secretariat has a dual mandate: to support the Treasury Board as a committee of ministers and to fulfill the statutory responsibilities of a central government agency. It is headed by a Secretary, who reports to the President of the Treasury Board.

The Secretariat is tasked with providing advice and support to Treasury Board ministers in their role of ensuring value-for-money and providing oversight of the financial management functions in departments and agencies.

The Secretariat makes recommendations and provides advice to the Treasury Board on policies, directives, regulations, and program expenditure proposals with respect to the management of the government's resources. Its responsibilities for the general management of the government affects initiatives, issues, and activities that cut across all policy sectors managed by federal departments and organizational entities (as reported in the Main Estimates). The Secretariat is also responsible for the comptrollership function of government.

Under the broad authority of sections 5 to 13 of the *Financial Administration Act*, the Secretariat supports the Treasury Board in its role as the general manager and employer of the public service.

Administration

The Access to Information and Privacy (ATIP) Office is located within Ministerial Services of the Strategic Communications and Ministerial Affairs Sector. The ATIP Office currently has eight employees to fulfill the Secretariat's obligations under both legislations.

The ATIP Coordinator and the Senior Director, Ministerial Services, Strategic Communications and Ministerial Affairs, have delegated authority to oversee the administration of the *Access to Information Act* and the *Privacy Act* within the Secretariat and to ensure compliance with the legislation. Copies of the approved Secretariat Delegation Orders can be found at Appendix C.

Education and Training

During 2007–08, the ATIP Office continued to conduct training sessions for employees on a regular basis. Thirteen sessions provided over 148 participants with an overview of the acts and a better understanding of their obligations and the process within the Secretariat. Upon request, customized sessions were also given to divisional teams or individual branches or sectors. The ATIP Office also hosted a kiosk at the Administrative Services Group "Boot Camp" that also proved beneficial to participants.

Information Holdings

A description of the classes of institutional records held by the Secretariat can be found in the following Info Source publications for 2007–08: *Sources of Federal Government Information* and *Sources of Federal Employee Information*. The Secretariat does not have any exempt banks.

Info Source can be accessed through public and academic libraries and constituency offices of federal members of Parliament as well as on the Internet at <http://www.infosource.gc.ca>.

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L'Esplanade Laurier, East Tower, 11th Floor
140 O'Connor Street
Ottawa ON K1A 0R5
Telephone: 613-996-5491

Requests Under the *Privacy Act*

During the reporting period from April 1, 2007, to March 31, 2008, the Secretariat received a total of 37 new requests under the *Privacy Act*. This represents an increase of 10 requests (37 per cent) over last year, in which a total of 27 requests were received. One request was carried forward from 2006–07.

Of the 37 new requests, 28 (75 per cent) were either transferred or redirected to other federal institutions or could not be processed. A total of 9 requests were for Secretariat records.

The privacy client group for the Secretariat consists, for the most part, of current and former federal public service employees. Requests relate to personnel or staff relations issues that required Secretariat involvement.

Other Requests

During this same period, the Secretariat responded to 12 *Privacy Act* consultation requests from other departments involving Secretariat records or issues.

The ATIP Office moreover acted as a resource for Secretariat officials and offered advice and guidance on the provisions of the legislation. The ATIP Office was consulted on issues relating to a range of matters, from polls, surveys, information management issues, privacy impact assessments, security of information, and privacy caveats, to the review of draft policies.

Disposition of Completed Requests

A total of 36 requests were completed in 2007–08. Two requests were carried forward to the 2008–09 fiscal year.

The disposition of the completed requests was as follows:

- ▶ 2 were fully disclosed (5 per cent);
- ▶ 6 were partially disclosed (17 per cent);
- ▶ 11 were transferred or redirected to another institution (31 per cent);
- ▶ 14 could not be processed (39 per cent); and
- ▶ 3 were abandoned by applicants (8 per cent).

Completion Time and Extensions

The 36 requests completed in 2007–08 were processed in the following time frames:

- ▶ 30 within 30 or fewer days (83 per cent);
- ▶ 5 within 31 to 60 days (14 per cent); and
- ▶ 1 within 61 to 120 days (3 per cent).

All 36 requests (100 per cent) were completed within the allowable time limits.

In six instances, the Secretariat found it necessary to seek an extension to the prescribed time limit to consult with other government institutions.

Exemptions Invoked

The Secretariat invoked exemptions 11 times, as follows:

- ▶ 1 time under section 19, exempting personal information obtained in confidence from other levels of government;
- ▶ 1 time under section 21, exempting personal information expected to be injurious to the conduct of international affairs and the defence of Canada;
- ▶ 1 time under section 22, exempting personal information containing law enforcement and investigation information;
- ▶ 1 time under section 25, exempting personal information related to the safety of individuals;
- ▶ 3 times under section 26, exempting personal information about individuals other than the requestor; and
- ▶ 4 times under section 27, exempting personal information related to solicitor-client privilege.

Exclusions Invoked

Exclusions were invoked a total of two times under section 70 for confidences of the Queen's Privy Council for Canada. The Secretariat's responsibilities include providing administrative support to the Treasury Board, a Cabinet committee. The Secretariat consequently controls a large number of documents classified as Cabinet confidences.

Complaints, Investigations, and Federal Court Cases

Three new complaints were registered with the Privacy Commissioner in 2007–08. The reasons for these complaints were as follows:

- ▶ 1 concerned the time limits in processing; and
- ▶ 2 concerned the denial of access.

Three complaint investigations were completed during the fiscal year, and the conclusions were as follows:

- ▶ 3 were determined to be not substantiated.

No complaints were carried forward to 2008–09.

There were no new court cases for 2007–08.

Privacy Impact Assessments

No new Privacy Impact Assessments (PIA) were initiated for 2007–08, and one Preliminary Privacy Impact Assessment (PPIA) was initiated for the 2007–08 period. The PPIA is a joint initiative with the Department of Finance Canada (lead) and the Canada Public Service Agency. No PIAs or PPIAs have been completed or forwarded to the Office of the Privacy Commissioner.

Data Matching and Sharing Activities

There were no data matching and sharing activities undertaken for 2007–08.

Disclosures Under Subsections 8(2)(e), (f), (g), and (m) of the *Privacy Act*

There were no disclosures pursuant to subsections 8(2)(e), (f), (g), or (m) for the 2007–08 period.

Costs

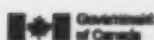
During 2007–08, the ATIP Office incurred an estimated \$39,138 in salary costs and \$3,913 in administrative costs to administer the *Privacy Act*.

These costs do not include the resources expended by the program areas of the Secretariat to meet the requirements of the acts.

Statistical Report on the *Privacy Act*

This report can be found at Appendix B.

Appendix A: Statistical Report on the Access to Information Act


 Gouvernement
du Canada

 REPORT ON THE ACCESS TO INFORMATION ACT
 RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATION

Institution TREASURY BOARD OF CANADA SECRETARIAT SECRETARIAT DU CONSEIL DU TRÉSOR DU CANADA				Reporting period / Période de rapport 4/1/2007 to 3/31/2008	
Name / Nom	Media / Médias 110	Academic / Scholar / universitaire 5	Business / Sector / commercial 110	Organization / Organisation 30	Public / Public 66

 Requests under the Access to Information Act
 Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period Reçues pendant la période de rapport	323
Outstanding from previous period En attente depuis la période précédente	45
TOTAL	368
Completed during reporting period Traitées pendant la période de rapport	329
Open for appeal Révisables	30

 Disposition of requests completed
 Disposition des demandes traitées

1. All disclosed / Communication totale	20	6. Unable to process / Traitement impossible	41
2. Disclosed in part / Communication partielle	212	7. Answered by applicant / Répondre de la demande	16
3. Nothing disclosed (exempt) / Aucune communication (exemption)	11	8. Request ultimately / Traitement non abouti	2
4. Nothing disclosed (except) / Aucune communication (sauf exemption)	1	TOTAL	329
5. Disclosed / Communication	26		

 Exemptions invoked
 Exemptions

s. 96(1)(a)	0	s. 96(1)(b)	22	s. 96(1)(c)	8	s. 96(1)(d)	46
96(1)(e)	13	96(1)(f)	0	96(1)(g)	0	96(1)(h)	38
96(1)(i)	2	96(1)(j)	7	96(1)(k)	5	96(1)(l)	21
96(1)(m)	1	96(1)(n)	0	s. 96(1)(p)	166	96(1)(q)	18
96(1)(r)	0	s. 96(1)(s)	2	s. 96(1)(t)	2	s. 96(1)(u)	13
s. 96(1)(v)	4	s. 96(1)(w)	0	96(1)(x)	16	s. 96(1)(y)	25
s. 96(1)(z)	3	s. 96(1)(aa)	0	96(1)(ab)	37	s. 96(1)(ac)	0
Other / Autre	1	s. 96(1)(ad)	0	96(1)(ae)	3	s. 96(1)(af)	1
Subsequent action / Action ultérieure	0	s. 96(1)(ag)	0	96(1)(ah)	0		

 Exemptions cited
 Exemptions citées

s. 96(1)(a)	0	s. 96(1)(b)	2
96(1)(c)	0	96(1)(d)	7
96(1)(e)	0	96(1)(f)	24
s. 96(1)(g)	18	96(1)(h)	0
96(1)(i)	0	96(1)(j)	57

 Completed time
 Délai de traitement

0 to 30 days / 0 à 30 jours	207
31 to 60 days / 31 à 60 jours	45
61 to 120 days / 61 à 120 jours	37
121 days or over / 121 jours et plus	40

Exemptions / Exemptions des citées

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Exemption / Exemption	0	0
Classification / Classification	1	76
Total / Total	0	14
TOTAL	1	90

Translation / Traduction

Translation requested / Traduction demandée	0
Translation provided / Traduction fournie	0
Translation requested / Traduction demandée	0

Method of access / Méthode de consultation

Copies given / Copies de folioles	226
Microfilm / Microfilm	1
Copies and microfilm / Copies et microfilm	3

Fees / Frais

Fees collected / Frais collectés			
Application fees / Frais de la demande	\$740.00	Preparation / Préparation	\$0.00
Reproduction	\$39.00	Complex processing / Traitement informatique	\$0.00
Research / Recherche	\$118.75	TOTAL	\$887.75
Fees waived / Dépenses de frais		No. of items / Nombre de faits	\$
\$25.00 or under / 25 \$ ou moins		141	\$705.00
Over \$25.00 / De plus de 25 \$		7	\$764.10

Costs / Coûts

Personnel (all sources) / Personnel (toutes sources)		(\$000)
Salary / Salaire		442,310.0
Administration / Administration		30,136.0
TOTAL		481,446.0
Personnel paid (all sources) / Personnel payé (toutes sources)		
Person paid (direct / indirect) / Personnes payées (direct / indirect)		7.00

Appendix B: Statistical Report on the *Privacy Act*Government
of CanadaGouvernement
du Canada

REPORT ON THE PRIVACY ACT

RAPPORT CONCERNANT LA LOI SUR LA PROTECTION
DES RENSEIGNEMENTS PERSONNELS

Institution TREASURY BOARD OF CANADA SECRETARIAT SECRÉTARIAT DU COMMERCE DU TRÉSOR DU CANADA	Reporting period / Période visée par le rapport 4/1/2007 to/à 3/31/2008
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Reports under the Privacy Act /
Rapports en vertu de la Loi sur la protection
des renseignements personnels

Received during reporting period / Reçus pendant la période visée par le rapport	37
Subsiding from previous period / En suspension depuis la période précédente	1
TOTAL	38
Completed during reporting period / Traités pendant la période visée par le	38
Closed / Rapportés	2

Disposition of requests completed /
Disposition à l'égard des demandes traitées

1. All disclosed / Communication totale	2
2. Disclosed in part / Communication partielle	6
3. Nothing disclosed (refused) / Rien communiqué (refusé)	0
4. Nothing disclosed (pending) / Rien communiqué (en suspens)	0
5. Unable to process / Traitement impossible	14
6. Abandoned by applicant / Abandonné de la demande	3
7. Transferred / Transférés	11
TOTAL	36

Dispositions accepted /
Dispositions acceptées

A. Art. 18(2)	0
B. Art. 18(1)(a)	0
01	0
02	1
03	0
C. Art. 20	0
D. Art. 21	1
E. Art. 22(1)(a)	0
01	1
02	0
F. Art. 23(2)	0
G. Art. 23(4)	0
01	0
H. Art. 24	0
I. Art. 25	1
J. Art. 26	3
K. Art. 27	4
L. Art. 28	0

Dispositions cited /
Dispositions citées

A. Art. 18(2)	0
01	0
B. Art. 18(1)(a)	0
01	0
02	1
03	0
04	1
05	0

Completion time /
Délai de traitement

30 days or under / 30 jours ou moins	30
31 to 60 days / De 31 à 60 jours	5
61 to 120 days / De 61 à 120 jours	1
121 days or over / 121 jours ou plus	0

Education /
Formation des clients

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Information with agencies / Information des organismes	0	0
Consultation	0	0
Translation / Traduction	0	0
TOTAL	0	0

Translation /
Traduction

Translation requested / Traductions demandées	0
Translation prepared / Traductions préparées	0
English to French / De l'anglais au français	0
French to English / De français à l'anglais	0

Effect of access /
Effets de consultation

Copies given / Copies de l'anglais	8
Reproduction / Reproduction de l'anglais	0
Copies and reproduction / Copies et réimpression	0

Complaints and appeals /
Contentions et recours

Complaints accepted / Contentions acceptées	0
Complaints denied / Contentions déclinées	0
Appeals accepted / Recours acceptés	0

Costs /
Coûts

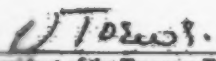
	Personal (all amounts) / Personnes (montants)	(\$100)
Salary / Salaire		38,138.0
Administration (IT and HR) / Administration (informatique et ressources humaines)		2,913.0
TOTAL		43,051.0
Person per official (all amounts) / Personne par fonctionnaire (montants)		
Person per official (all amounts) / Personne par fonctionnaire (montants)		0.50

Appendix C: Delegation Orders for the Treasury Board of Canada Secretariat

Treasury Board Secretariat Secrétariat du Conseil du Trésor

DELEGATION ORDER ACCESS TO INFORMATION ACT

I, the undersigned, President of the Treasury Board, pursuant to Section 73 of the *Access to Information Act*, hereby authorize the Access to Information and Privacy Coordinator and the Senior Director of Ministerial Services, to exercise signing authorities or perform any of the President's powers, duties or functions specified in the attached Schedule A.


President of the Treasury Board
Président du Conseil du Trésor

Date: JAN 16 2007


ARRÊTÉ AUTORISANT LA DÉLÉGATION DE POUVOIRS ACCÈS À L'INFORMATION

Je, soussigné, Président du Conseil du Trésor, autorisé, en vertu de l'article 73 de la *Loi sur l'accès à l'information*, le Coordonnateur de l'accès à l'information et de la protection des renseignements personnels ainsi que le Directeur principal des services ministériels, à exercer au nom du Président les pouvoirs de signer, les attributions, les fonctions et les pouvoirs détaillés dans l'annexe A ci-jointe.

TREASURY BOARD SECRETARIAT
SECRÉTARIAT DU CONSEIL DU TRÉSOR

DELEGATION ORDER
PRIVACY ACT

I, the undersigned, President of the Treasury Board, pursuant to Section 73 of the *Privacy Act*, hereby authorize the Access to Information and Privacy Coordinator and the Senior Director of Ministerial Services, to exercise signing authorities or perform any of the President's powers, duties or functions specified in the attached schedule B.



President of the Treasury Board
Président du Conseil du Trésor

Date: JAN 16 2007

ARRÊTÉ AUTORISANT LA
DÉLÉGATION DE POUVOIRS
PRÉVUS DANS LA LOI SUR LA
PROTECTION DES
RENSEIGNEMENTS PERSONNELS

Je, soussigné, Président du Conseil du Trésor, autorise, en vertu de l'article 73 de la *Loi sur la protection des renseignements personnels*, le Coordonnateur de l'accès à l'information et protection des renseignements personnels et le Directeur principal des services ministériels, à exercer au nom du Président les pouvoirs de signer, les attributions, les fonctions et les pouvoirs détaillés dans l'annexe B ci-jointe.

Schedule A

Sections of the *Access to Information Act* to Be Delegated

<u>Section of the Act</u>	<u>Powers, Duties, Functions</u>
7	Respond to request for access within 30 days; give access or give notice
8	Transfer a request to the government institution with greater interest; give written notice of the transfer to the applicant
9	Extend time limits for responding to request and give notice to Information Commissioner of extension of over 30 days
10	Issue notice where access refused
11	Administer the collection of fees
12(2)(b)	Decide whether to translate requested record(s)
12(3)(b)	Convert record(s) in an alternative format, when necessary and reasonable
13(1)	Shall refuse to disclose any record obtained in confidence from another government
13(2)	May disclose any record referred to in 13(1) if the other government consents to the disclosure or makes the information public
14	May refuse to disclose any record if reasonably injurious to the conduct of federal-provincial affairs
15	May refuse to disclose any record if reasonably injurious to international affairs and defence or the detection, prevention, or suppression of subversive or hostile activities
16	May refuse to disclose any record pertaining to law enforcement and investigations, to information that could reasonably be expected to facilitate the commission of an offence, to confidential information on policing services for provinces or municipalities
17	May refuse to disclose any record that could reasonably threaten the safety of individuals
18	May refuse to disclose any record that could

- reasonably be expected to be materially injurious to the economic interests of Canada
- 19 Shall refuse to disclose any record that contains personal information as defined in section 3 of the *Privacy Act*
- 20 Shall refuse to disclose any record that contains third party information
- 21 May refuse to disclose any record that contains information related to the operations of government
- 22 May refuse to disclose any record that contains information relating to testing or auditing procedures
- 23 May refuse to disclose any record that contains information subject to solicitor-client privilege
- 24 Shall refuse to disclose any record that is subject to statutory prohibitions as set out in Schedule II
- 25 Shall sever any information that can be disclosed
- 26 May refuse to disclose any record on reasonable grounds that such material is to be published within a 90 day period or longer
- 27(1) Shall give notice to a third party of the intent to disclose any records that may contain third party information
- 27(4) May extend the time limit for third party notification
- 28(1)(b) Shall within 30 days after notice is given to third party as per section 27(1) give notice of the decision to disclose any record pertaining to the third party
- 28(2) Waive the requirements for a written representation by a third party
- 28(4) Disclose a record pertaining to Third Party following 20 days from the notice having been issued to a third party of the decision to disclose, unless the third party requests a review of the decision as per section 44

29(1)	Give written notice to the applicant and to any involved third party of the Department's decision to disclose information on the recommendation of the Information Commissioner
33	Shall advise the Information Commissioner of any third party notified under section 27(1) when given notice of an investigation or that would have been notified had disclosure been intended
35(2)	Right to make representation to the Information Commissioner in the course of an investigation
37(1)(b)	Receive Information Commissioner's report of findings and recommendations and give notice of action taken or reasons why no action was taken
37(4)	Give complainant access to a record after 37(1)(b) where a notice is required
43(1)	Give notice to a third party of an application for a Court review under section 41 or 42
44(2)	Give notice to an applicant of the third party's application for Court review under section 44
52(2)	Request that sections 41 or 42 hearings held in camera be heard and determined in the National Capital Region
52(3)	Request and be given right to make representations <i>ex parte</i> in section 52
68,69	Deny any record that is excluded in the Act
71(1)	Provide facilities for the public to inspect manuals
71(2)	Exclude any exempt information contained in manuals before the manuals are inspected by the public
72(1)	Prepare Annual Report to Parliament
77	Responsibilities conferred on the head of the institution by the regulations made under section 77

Schedule B

Sections of the *Privacy Act* to Be Delegated

<u>Section of the Act</u>	<u>Powers, Duties, Functions</u>
8(2)	Generally disclose personal information on the basis of the requirements of subsection 8(2)
8(2)(e)	Disclose personal information on the written request of an investigative body
8(2)(j)	Disclose personal information for research or statistical purposes
8(2)(m)	Disclose personal information in the public interest or in the interest of the individual
8(4)	Retain copy of 8(2)(e) requests and disclosed records
8(5)	Notify the Privacy Commissioner in writing of disclosure under paragraph 8(2)(m)
9(1)	Retain records of use
9(4)	Notify the Privacy Commissioner of consistent use of personal information and update index accordingly
10	Include personal information in personal information banks
14	Respond to request for access within 30 days; give access or give notice
15	Extend time limit for responding to request for access
16	Issue notice where access refused
17(2)(b)	Decide whether to translate requested information
17(3)(b)	Decide whether to give access in an alternative format
18(2)	May refuse to disclose information contained in exempt bank

19(1)	Shall refuse to disclose information obtained in confidence from another government
19(2)	May disclose any information referred to in 19(1) if the other government consents to the disclosure or makes the information public
20	May refuse to disclose information if injurious to the conduct of federal-provincial affairs
21	May refuse to disclose if injurious to international affairs and defence or preventing or suppressing subversive or hostile activities
22	May refuse to disclose information prepared by an investigative body, information injurious to the enforcement of a law, or information injurious to the security of penal institutions
23	May refuse to disclose information prepared by an investigative body for security clearances
24	May refuse to disclose information collected by the Canadian Penitentiary Service, the National Parole Service, or the National Parole Board while individual was under sentence if conditions in section are met
25	May refuse to disclose information which could reasonably threaten the safety of individuals
26	May refuse to disclose information about another individual and shall refuse to disclose such information where disclosure is prohibited under section 8
27	May refuse to disclose information subject to solicitor-client privilege
28	May refuse to disclose information relating to the individual's physical or mental health where disclosure contrary to the best interest of the individual
31	Receive notice of investigation by the Privacy Commissioner
33(2)	Right to make representations to the Privacy Commissioner in the course of investigation
35(1)	Receive Privacy Commissioner's report of findings and recommendations and give notice

	of action taken
35(4)	Give complainant access to information after 35(1)(b) notice
36(3)	Receive Privacy Commissioner's report of findings and recommendations concerning the review of exempt information banks and, if appropriate, give notice to the Commissioner
37(3)	Receive report of Privacy Commissioner's findings after compliance investigation
§1(2)(b)	Request that section 51 hearing be held in the National Capital Region
51(3)	Request and be given right to make representations <i>ex parte</i> in section 51 hearings
69	Deny information that is excluded in the Act
72(1)	Prepare Annual Report to Parliament
77	Responsibilities conferred on the head of the institution by the regulations made under section 77 which are not included in the above